IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 886 OF 2004

IN

SUM. SUIT NO. 3936 OF 2003

V. Tribhovandas . .. Plaintiffs.

vs.

Ryben Pharmaceuticals & Ors. .. Defendants.

Mr. A.M. Mody for plaintiffs.

Mr. D.A. Barot for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 4th October, 2005.

P.C.:

. The present suit is filed for the recovery of sum of Rs. 5,54,500.00 together with interest on Rs. 3,70,000/- at the rate of 24% per annum. In support of the aforesaid claim the plaintiffs have relied upon the delivery instructions dated 17.4.2002 Exhibit A. The delivery challans dated 17.4.2002 are at Exhibits B to B-3 and invoice dated 17.4.2002 is at Exhibit C. Each of the aforesaid documents indicate that there is goods sold and delivered by the plaintiffs to the defendants

herein. The purchase order is placed by the defendants with the plaintiffs. The invoices are also raised by the plaintiff on the defendants and the same are acknowledged by the defendants. However, the learned counsel appearing for the defendants contends that in fact there was a joint venture by and between the plaintiffs and the defendants and thus goods which were supplied by the joint venture. There is no evidence whatsoever on record to show that there is any such joint venture agreement. He has relied upon the decision of the Arbitrator of the Association. I have perused the said order. The document do not exhibit that this bill is part of any dispute. However, with a view to give an opportunity to the defendants to defend, I direct the defendants to deposit a sum of Rs. 5 lacs in this Court within a period of four weeks from today. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks

thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.